

STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In the matter of the Request for a
Declaratory Ruling by the
MASCOMA VALLEY REGIONAL SCHOOL BOARD

CASE NO. T-0290:2
DECISION NO. 80032

BACKGROUND

The Mascoma Valley Regional School Board requested a definitive ruling on an item under question between the Mascoma Valley Regional Teachers' Association and the School Board; i.e. "This salary schedule shall be implemented."

The School Board's position was that the proposed language was not legally negotiable based on 273-A:12V which states:

"Nothing in this Chapter shall be construed to prohibit the parties from providing for such lawful procedures for resolving impasses as the parties may agree upon; providing that no such procedures shall bind the legislative body on matters regarding cost items" (emphasis added)

and would in fact exceed the authority granted to the School Board by the appropriate legislative body, the community members at the annual school meeting.

DECISION

The language in question is not a mandatory subject of negotiations. It can, however, be permissive. A permissive subject is a subject about which management may bargain if they choose, but are not required to do so; in such cases, they are not guilty of a refusal to bargain in good faith.



EDWARD J. HASELTINE, CHAIRMAN

Signed this 2nd day of October, 1980.